

United States Court of Appeals
For the Eighth Circuit

No. 19-2223

United States of America

Plaintiff Appellee

v.

Christopher McCarty

Defendant Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: April 13, 2020

Filed: May 21, 2020

[Unpublished]

Before KELLY, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

Christopher McCarty pleaded guilty to possession with intent to distribute more than 50 grams of actual methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii), and was sentenced to 168 months' imprisonment.

McCarty argues that the district court¹ engaged in impermissible double counting when it increased his offense level for obstructing justice under U.S. Sentencing Guidelines (Guidelines) § 3C1.1 and considered the same obstructive conduct when weighing the sentencing factors under 18 U.S.C. § 3553(a). The district court did not apply the obstruction-of-justice enhancement in calculating McCarty's offense level, however. It instead determined McCarty's offense level under the career offender provision set forth in Guidelines § 4B1.1(b), rendering meritless his double-counting argument.

We grant McCarty's motion for permission to file a supplemental *pro se* brief, but find his argument unavailing. The judgment is affirmed.

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.